



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, U.S. ARMY MATERIEL COMMAND  
9301 CHAPEK ROAD  
FORT BELVOIR, VA 22060-5527

AMCEE

CPL 07-04-AMCEE  
10 April 2007

**MEMORANDUM FOR SEE DISTRIBUTION**

**SUBJECT:** Command Policy Letter - Command Policy Statement for Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (Public Law 107-174)

1. The Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act was signed into law by President George W. Bush on 15 May 2002. It became effective on 01 October 2003. The purpose of this Act is to require Federal agencies to be more accountable for violations of antidiscrimination and whistleblower protection laws.
2. The No FEAR Act reaffirms the strong public policy commitment to ensure that all Federal employees feel free to come forward with allegations of discrimination, wrongdoing, or misconduct, by making sure that Federal employees are aware of their rights. All military and civilian personnel will attend an initial training program by the end of the fiscal year. Thereafter, the training must be completed on a training cycle of no longer than every two years. A summary of your rights and protections under Federal antidiscrimination, whistleblower protection, and retaliation laws is provided below. Facilitated training is planned for all employees throughout fiscal year 2007 and beyond to meet the full requirements of the training provision of the Act.
3. The policy of the U.S. Army Materiel Command (AMC) is that discrimination against an employee or applicant with respect to the terms, conditions, or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, marital status, or political affiliation is unacceptable and will not be tolerated.
4. The AMC prohibits retaliation against an employee or applicant for making a protected disclosure. The AMC will not retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protections laws. Disciplinary actions will be taken when an employee has engaged in discriminatory or retaliatory conduct, up to and including the termination of employment.
  - a. Antidiscrimination Laws. A Federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions, or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, marital status, or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. subsection 2302(b)(1), 29 U.S.C. subsection 206(d), 29 U.S.C. subsection 631, 29 U.S.C. subsection 633a, 29 U.S.C. subsection 791 and 42 U.S.C. subsection 2000e-16.

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b. Whistleblower Protection Laws.

(1) A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation. For example, these violations could involve gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; unless the disclosure of such information is specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

(2) Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. subsection 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC-11) with the U.S. Office of Special Counsel at 1730 M Street NW, Suite 218, Washington, DC 20036-4505 or online through the OSC Web site: <http://www.osc.gov>.

c. Retaliation for Engaging in Protected Activity. A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protection laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws or, if applicable, the agency administrative or negotiated grievance procedures in order to pursue any legal remedy.

d. Disciplinary Actions. Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee for conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection Laws up to and including removal. If OSC has initiated an investigation under 5 U.S.C. subsection 1214, however, according to 5 U.S.C. subsection 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

e. Additional Information. For further information regarding the No FEAR Act regulations, refer to 5 CFR Part 724, as well as the EEO Office. Additional information regarding Federal antidiscrimination whistleblower protection and retaliation laws can be found at the EEOC Web site: <http://www.eeoc.gov> and the OSC Web site: <http://www.osc.gov>.

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f. Existing Rights Unchanged. Pursuant to Section 205 of the No FEAR Act, neither the Act nor this notice creates, expands, or reduces any rights otherwise available to any employee, former employee, or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. subsection 2302(d).

//Signed//  
BENJAMIN S. GRIFFIN  
General, USA  
Commanding

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